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16  
17 UNITED STATES DISTRICT COURT  
18 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
19 SAN FRANCISCO DIVISION

20 FEDERAL TRADE COMMISSION,

Case No. 3:23-cv-02880-JSC

21 Plaintiff,

**DEFENDANTS' ADMINISTRATIVE  
MOTION TO SEAL PORTIONS OF  
DEFENDANTS' PROPOSED FINDINGS OF  
FACT AND CONCLUSIONS OF LAW**

22 v.  
23 MICROSOFT CORPORATION and  
ACTIVISION BLIZZARD, INC.,

Dept.: Courtroom 8—19th Floor  
Judge: Honorable Jacqueline S. Corley

24 Defendants.

Pursuant to Civil Local Rules 7-11 and 79-5(c), Defendants Microsoft Corporation (“Microsoft”) and Activision Blizzard, Inc. (“Activision”) (collectively, “Defendants”) respectfully move this Court for an order sealing the portions of Defendants’ Proposed Findings of Fact and Conclusions of Law (Exhibit B).

The proposed sealing in the chart below reflects Defendants’ good-faith efforts to narrowly seek sealing of only that information which is competitively sensitive and contained in internal documents, the public disclosure of which would cause injury to Defendants that cannot be avoided through any less restrictive alternative means. Defendants have identified the below-referenced proposed sealing with yellow highlighting. Defendants note that the unredacted copy of Defendants’ Proposed Findings of Fact and Conclusions of Law also contains green-highlighted portions, which correspond to proposed redactions to FTC and non-party information in connection with Defendants’ forthcoming Administrative Motion To Consider Whether Another Party’s Information Should Be Sealed.

<b>Document</b>	<b>Portions to Be Filed Under Seal</b>	<b>Designating Party</b>	<b>Basis for Sealing Request<sup>1</sup></b>
Findings of Fact	Page 4, paragraph 23, portions of line 20	Microsoft	This portion contains non-public and highly sensitive information including, but not limited to, confidential market share analyses, assessment of the competitive landscape, and internal figures and projections, which could be used to injure Microsoft if made publicly available.

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<sup>1</sup> Legitimate private interests warrant sealing of Microsoft or Activision information in this chart, and the unsealing of the information would result in injury to Microsoft or Activision that cannot be avoided through any less restrictive alternatives.

1	Findings of Fact	Page 7, paragraph 42, portions of lines 22-27	Activision	This portion contains non-public and highly sensitive information including, but not limited to, information reflecting business partnerships, terms of existing confidential agreements, and negotiations regarding confidential agreements, which could be used to injure Activision if made publicly available.
10	Findings of Fact	Page 8, paragraph 42, lines 1-2	Activision	This portion contains non-public and highly sensitive information including, but not limited to, information reflecting business partnerships, terms of existing confidential agreements, and negotiations regarding confidential agreements, which could be used to injure Activision if made publicly available.
18	Findings of Fact	Page 9, paragraph 53, portions of lines 17-19	Microsoft	This portion contains non-public and highly sensitive information including, but not limited to, confidential internal decision-making processes, investment decisions, strategic evaluation of forward-looking opportunities, market share analyses, and revenue figures and projections, which could be used to injure Microsoft if made publicly available.

1	Findings of Fact	Page 10, paragraph 58, lines 24-25	Microsoft	This portion contains non-public and highly sensitive information including, but not limited to, confidential market share analyses, assessment of the competitive landscape, and internal figures and projections, which could be used to injure Microsoft if made publicly available.
9	Findings of Fact	Page 12, paragraph 67, lines 11-15	Microsoft	This portion contains non-public and highly sensitive information including, but not limited to, confidential internal decision-making processes, investment decisions, strategic evaluation of forward-looking opportunities, market share analyses, and revenue figures and projections, which could be used to injure Microsoft if made publicly available.
19	Findings of Fact	Page 13, paragraph 72, portions of lines 13-15	Microsoft	This portion contains non-public and highly sensitive information including, but not limited to, confidential market share analyses, assessment of the competitive landscape, and internal figures and projections, which could be used to injure Microsoft if made publicly available.

1	Findings of Fact	Page 17, paragraph 89, portions of lines 4-5	Activision	This portion contains non-public and highly sensitive information including, but not limited to, information reflecting confidential revenue figures, which could be used to injure Activision if made publicly available.
7	Findings of Fact	Page 17, paragraph 91, portions of lines 15-16	Activision	This portion contains non-public and highly sensitive information including, but not limited to, information reflecting confidential revenue figures, which could be used to injure Activision if made publicly available.
14	Findings of Fact	Page 17, paragraph 92, portions of lines 21-22	Activision	This portion contains non-public and highly sensitive information including, but not limited to, information reflecting confidential revenue figures, which could be used to injure Activision if made publicly available.
20	Findings of Fact	Page 18, paragraph 93, portions of lines 1-2	Activision	This portion contains non-public and highly sensitive information including, but not limited to, information reflecting confidential revenue figures, which could be used to injure Activision if made publicly available.

1	Findings of Fact	Page 18, paragraph 95, portions of line 13	Activision	This portion contains non-public and highly sensitive information including, but not limited to, information reflecting confidential market share analyses, assessment of the competitive landscape, and confidential revenue figures, which could be used to injure Activision if made publicly available.
10	Findings of Fact	Page 18, paragraph 95, portions of line 15	Activision	This portion contains non-public and highly sensitive information including, but not limited to, information reflecting confidential market share analyses, assessment of the competitive landscape, and confidential revenue figures, which could be used to injure Activision if made publicly available.
18	Findings of Fact	Page 20, paragraph 103, portions of lines 4-6	Activision	This portion contains non-public and highly sensitive information including, but not limited to, information reflecting confidential revenue figures and assessments of the competitive landscape, which could be used to injure Activision if made publicly available.

1	Findings of Fact	Page 20, paragraph 104, portions of lines 13-15	Activision	This portion contains non-public and highly sensitive information including, but not limited to, information reflecting strategic evaluation of forward-looking opportunities, internal business strategy, confidential internal decision-making processes, and investment decisions, which could be used to injure Activision if made publicly available.
11	Findings of Fact	Page 20, paragraph 105, portions of lines 17-18	Activision	This portion contains non-public and highly sensitive information including, but not limited to, information reflecting strategic evaluation of forward-looking opportunities, internal business strategy, confidential internal decision-making processes, and investment decisions, which could be used to injure Activision if made publicly available.
21	Findings of Fact	Page 20, paragraph 106, portion of line 25 – page 21, paragraph 106, portion of line 4.	Activision	This portion contains non-public and highly sensitive information including, but not limited to, information reflecting confidential business partnerships, terms of existing confidential agreements, negotiations regarding confidential agreements, and revenue figures, which could be used to injure Activision if made publicly

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15	16	17	18	19	Findings of Fact	20	Page 21, paragraph 106, portions of lines 1-6	21	Microsoft	22	23	24	25	26	27	28	This portion contains non-public and highly sensitive information including, but not limited to, confidential terms of existing confidential agreements and revenue figures and projections, which could be used to injure Microsoft if made publicly available.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
29	30	31	32	33	Findings of Fact	34	Page 21, paragraph 106, portion of line 6	35	Activision	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600	601	602	603	604	605	606	607	608	609	610	611	612	613	614	615	616	617	618	619	620	621	622	623	624	625	626	627	628	629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646	647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700	701	702	703	704	705	706	707	708	709	710	711	712	713	714	715	716	717	718	719	720	721	722	723	724	725	726	727	728	729	730	731	732	733	734	735	736	737	738	739	740	741	742	743	744	745	746	747	748	749	750	751	752	753	754	755	756	757	758	759	760	761	762	763	764	765	766	767	768	769	770	771	772	773	774	775	776	777	778	779	780	781	782	783	784	785	786	787	788	789	790	791	792	793	794	795	796	797	798	799	800	801	802	803	804	805	806	807	808	809	810	811	812	813	814	815	816	817	818	819	820	821	822	823	824	825	826	827	828	829	830	831	832	833	834	835	836	837	838	839	840	841	842	843	844	845	846	847	848	849	850	851	852	853	854	855	856	857	858	859	860	861	862	863	864	865	866	867	868	869	870	871	872	873	874	875	876	877	878	879	880	881	882	883	884	885	886	887	888	889	890	891	892	893	894	895	896	897	898	899	900	901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	930	931	932	933	934	935	936	937	938	939	940	941	942	943	944	945	946	947	948	949	950	951	952	953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000

1	Findings of Fact	Page 21, paragraph 107, portions of lines 7-17	Activision	This portion contains non-public and highly sensitive information including, but not limited to, information reflecting confidential business partnerships, terms of existing confidential agreements, negotiations regarding confidential agreements, and revenue figures, which could be used to injure Activision if made publicly available.
10	Findings of Fact	Page 21, paragraph 108, portion of line 18 – page 22, paragraph 108, line 2.	Activision	This portion contains non-public and highly sensitive information including, but not limited to, information reflecting confidential business partnerships, terms of existing confidential agreements, negotiations regarding confidential agreements, and revenue figures, which could be used to injure Activision if made publicly available.
19	Findings of Fact	Page 22, paragraph 109, portions of lines 3-6	Activision	This portion contains non-public and highly sensitive information including, but not limited to, information reflecting confidential business partnerships, terms of existing confidential agreements, negotiations regarding confidential agreements, and revenue figures, which could be used to injure Activision if made publicly available.

1	Findings of Fact	Page 22, paragraph 112, portions 23-26	Microsoft	This portion contains non-public and highly sensitive information including, but not limited to, confidential internal decision-making processes, investment decisions, strategic evaluation of forward-looking opportunities, assessment of the competitive landscape, and potential business partnerships, which could be used to injure Microsoft if made publicly available.
11	Findings of Fact	Page 23, paragraph 112, lines 1-2	Microsoft	This portion contains non-public and highly sensitive information including, but not limited to, confidential internal decision-making processes, investment decisions, strategic evaluation of forward-looking opportunities, assessment of the competitive landscape, and potential business partnerships, which could be used to injure Microsoft if made publicly available.
22	Findings of Fact	Page 23, paragraph 113, portions of lines 3, 4, 7	Microsoft	This portion contains non-public and highly sensitive information including, but not limited to, confidential potential business partnerships, which could be used to injure Microsoft if made publicly available.

1	Findings of Fact	Page 23, paragraph 114, portions of line 11	Microsoft	This portion contains non-public and highly sensitive information including, but not limited to, confidential market share analyses, assessment of the competitive landscape, and internal figures and projections, which could be used to injure Microsoft if made publicly available.
9	Findings of Fact	Page 23, paragraph 117, lines 22-24	Microsoft	This portion contains non-public and highly sensitive information including, but not limited to, confidential internal decision-making processes, investment decisions, strategic evaluation of forward-looking opportunities, and internal business strategy, which could be used to injure Microsoft if made publicly available.
18	Findings of Fact	Page 24, paragraph 120, portions of lines 10-11	Microsoft	This portion contains non-public and highly sensitive information including, but not limited to, confidential internal decision-making processes, investment decisions, strategic evaluation of forward-looking opportunities, and internal business strategy, which could be used to injure Microsoft if made publicly available.

1	Findings of Fact	Page 25, paragraph 130, portions of lines 20-22	Activision	This portion contains non-public and highly sensitive information including, but not limited to, information reflecting confidential business partnerships, terms of existing confidential agreements, and negotiations regarding confidential agreements, which could be used to injure Activision if made publicly available.
10	Findings of Fact	Page 28, paragraph 151, portions of lines 25-27	Microsoft	This portion contains non-public and highly sensitive information including, but not limited to, confidential internal decision-making processes, investment decisions, strategic evaluation of forward-looking opportunities, and potential business partnerships, which could be used to injure Microsoft if made publicly available.
19	Findings of Fact	Page 29, paragraph 151, lines 1-2	Microsoft	This portion contains non-public and highly sensitive information including, but not limited to, confidential internal decision-making processes, investment decisions, strategic evaluation of forward-looking opportunities, and potential business partnerships, which could be used to injure Microsoft if made publicly available.

1	Findings of Fact	Page 29, paragraphs 153-155 in their entirety	Microsoft	This portion contains non-public and highly sensitive information including, but not limited to, confidential internal decision-making processes, investment decisions, strategic evaluation of forward-looking opportunities, terms of potential confidential agreements, and potential business partnerships, which could be used to injure Microsoft if made publicly available.
11	Findings of Fact	Page 30, paragraph 159, portions of lines 17-18	Microsoft	This portion contains non-public and highly sensitive information including, but not limited to, confidential strategic evaluation of forward-looking opportunities, terms of existing confidential agreements, and revenue figures and projections, which could be used to injure Microsoft if made publicly available.
20	Findings of Fact	Page 31, paragraph 161, portion of line 1	Microsoft	This portion contains non-public and highly sensitive information including, but not limited to, confidential strategic evaluation of forward-looking opportunities and revenue figures and projections, which could be used to injure Microsoft if made publicly available.

1	Findings of Fact	Page 31, paragraph 162, lines 3-7	Microsoft	This portion contains non-public and highly sensitive information including, but not limited to, confidential internal decision-making processes, investment decisions, strategic evaluation of forward-looking opportunities, market share analyses, and revenue figures and projections, which could be used to injure Microsoft if made publicly available.
11	Findings of Fact	Page 31, paragraph 164, portions of lines 17-18	Activision	This portion contains non-public and highly sensitive information including, but not limited to, information reflecting assessments of the competitive landscape, and internal presentations discussing business strategy, which could be used to injure Activision if made publicly available.
19	Conclusions of Law	Page 44, paragraph 20, line 4	Microsoft	This portion contains non-public and highly sensitive information including, but not limited to, confidential market share analyses, internal revenue and projections, and assessment of the competitive landscape, which could be used to injure Microsoft if made publicly available.

1	Conclusions of Law	Page 44, paragraph 21, portions of lines 11-12, portion of footnote 3	Microsoft	This portion contains non-public and highly sensitive information including, but not limited to, confidential market share analyses, internal revenue and projections, and assessment of the competitive landscape, which could be used to injure Microsoft if made publicly available.
8	Conclusions of Law	Page 44, paragraph 22, portions of line 16	Activision	This portion contains non-public and highly sensitive information including, but not limited to, information reflecting confidential business partnerships, terms of existing confidential agreements, and negotiations regarding confidential agreements, which could be used to injure Activision if made publicly available.
17	Conclusions of Law	Page 49, paragraph 38, portions of lines 17-18	Microsoft	This portion contains non-public and highly sensitive information including, but not limited to, confidential internal decision-making processes, investment decisions, and business strategy, which could be used to injure Microsoft if made publicly available.
25	Conclusions of Law	Page 53, paragraph 50, portions of line 19	Activision	This portion contains non-public and highly sensitive information including, but not limited to, information reflecting confidential market share analyses and assessment of the competitive

1	2	3	4	5	landscape, which could be used to injure Activision if made publicly available.
6	7	8	9	10	Conclusions of Law Page 63, paragraph 82, portions of line 9 Activision This portion contains non-public and highly sensitive information including, but not limited to, information reflecting confidential market share analyses and assessment of the competitive landscape, which could be used to injure Activision if made publicly available.
11	12	13	14	15	Conclusions of Law Page 70, paragraph 101, portions of lines 23-25 Microsoft This portion contains non-public and highly sensitive information including, but not limited to, confidential internal decision-making processes, investment decisions, strategic evaluation of forward- looking opportunities, and revenue figures and projections, which could be used to injure Microsoft if made publicly available.

## ARGUMENT

23           **I. Sealing the Defendants' Proposed Findings of Fact and Conclusions of Law Is Warranted**  
 24           **Under Ninth Circuit Precedent as It Contains Defendants' Confidential Business**  
 25           **Information**

26           In the Ninth Circuit, “[p]arties seeking to seal judicial records relating to motions that are ‘more  
 27 than tangentially related to the underlying cause of action,’ bear the burden of overcoming the

1 presumption with ‘compelling reasons supported by specific factual findings that outweigh the general  
 2 history of access and the public policies favoring disclosure.’” *Lenovo (United States) Inc. v. IPCoM*  
 3 *GmbH & Co., KG*, 2022 WL 2313948, at \*1 (N.D. Cal. Jun. 28, 2022); *see also Kamakana v. City &*

4 *County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006) (“[T]he court must ‘conscientiously [] balance

5 the competing interests’ of the public and the party who seeks to keep certain judicial records secret.””).  
 6 Courts in this Circuit regularly find that sealing is warranted where the records or information that are  
 7 sought to be sealed could be used “as sources of business information that might harm a litigant’s  
 8 competitive standing.” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978); *see also In re Elec.*  
 9 *Arts, Inc.*, 298 F. App’x 568, 569 (9th Cir. 2008) (same); *Velasco v. Chrysler Grp. LLC*, 2017 WL  
 10 445241, at \*2 (C.D. Cal. Jan. 30, 2017) (stating that “district courts in this Circuit have sealed records  
 11 containing ‘information about proprietary business operations, a company’s business mode or  
 12 agreements with clients,’ [and] ‘internal policies and strategies’”) (internal citations omitted).

13       “The Ninth Circuit has explained that ‘in general, compelling reasons sufficient to outweigh the  
 14 public’s interest in disclosure and justify sealing court records exist when such court files might have  
 15 become a vehicle for improper purposes, such as the use of records to . . . release trade secrets.’” *Velasco*,  
 16 2017 WL 445241, at \*2 (quoting *Elec. Arts*, 298 F. App’x at 569); *see also Elec. Arts*, 298 F. App’x at  
 17 569 (“A ‘trade secret may consist of any formula, pattern, device or compilation of information which  
 18 is used in one’s business, and which gives him an opportunity to obtain an advantage over competitors  
 19 who do not know or use it.’”) (citation omitted). A court has “broad latitude” to grant protective orders  
 20 to prevent disclosure of “many types of information, including, but not limited to, trade secrets or other  
 21 confidential research, development, or commercial information.” *Phillips ex rel. Estates of Byrd v. Gen.*  
 22 *Motors Corp.*, 307 F.3d 1206, 1211 (9th Cir. 2002).

23       In determining whether a document should be filed under seal, courts consider, among other  
 24 things, the measures taken to guard the information’s secrecy and the value of the information to the  
 25 business or its competitors. *E.g., Phillips ex rel. Estates of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206,  
 26 1212 (9th Cir. 2002). Here, Defendants seek to seal narrowly tailored excerpts of the Proposed Findings  
 27 of Fact and Conclusions of Law, which reference and reflect, among other things, confidential,  
 28 proprietary information relating to Defendants’ internal decision-making processes, investment

1 decisions, strategic evaluation of forward-looking opportunities, market share analyses, assessments of  
 2 the competitive landscape, business partnerships, terms of existing confidential agreements, revenue  
 3 figures and projections, and internal presentations discussing business strategy. The disclosure of this  
 4 information could be used to injure Defendants if made publicly available.

5 **II. Sealing Defendants' Proposed Findings of Fact and Conclusions of Law Is Necessary to  
 6 Protect Defendants' Confidential and Proprietary Business Information**

7 Defendants seek to maintain under seal portions of Defendants' Proposed Findings of Fact and  
 8 Conclusions of Law, as they contain Defendants' non-public and highly sensitive information from  
 9 documents obtained during the course of the FTC's investigation and during litigation discovery.  
 10 Examples of such confidential information include, but are not limited to, Defendants' internal decision-  
 11 making processes, investment decisions, strategic evaluation of forward-looking opportunities, market  
 12 share analyses, assessments of the competitive landscape, business partnerships, terms of existing  
 13 confidential agreements, revenue figures and projections, and internal presentations discussing business  
 14 strategy. Disclosure of this information would provide Defendants' competitors with private data about  
 15 Defendants' performance and business strategy, which could harm Defendants' competitive standing.  
 16 See *Cont'l Auto. Sys. v. Avanci, LLC*, 2019 WL 6612012, at \*4 (N.D. Cal. Dec. 5, 2019). Thus, the  
 17 unsealing of this highly confidential and sensitive information would cause injury to Defendants that  
 18 cannot be avoided through less restrictive alternatives.

19 Finally, Defendants provided the FTC with the confidential business information cited in the  
 20 Defendants' Proposed Findings of Fact and Conclusions of Law pursuant to the statutory and regulatory  
 21 guarantees of confidentiality contained in the Hart-Scott-Rodino Act or the FTC Act. See 15 U.S.C. §§  
 22 18a(h), 46(f), 57b-2(b), 57b-2(c); 6 C.F.R. § 4.10(d)-(g). In similar cases, the FTC has acknowledged  
 23 the need to maintain the confidentiality of a party's confidential business information that has been  
 24 provided to the FTC via a regulatory request. See, e.g., *FTC v. Lockheed Martin Corp.*, 2022 WL  
 25 1446650, at \*2 (D.D.C. Jan. 25, 2022) ("According to the FTC, sealing the complaint is appropriate . . .  
 26 because the filing includes confidential information submitted . . . pursuant to 'statutory and regulatory  
 27 guarantees of confidentiality.' . . . The requested sealing covers only confidential information and is,  
 28 according to the FTC, required by regulation.").

1           **III. Conclusion**

2           As stated above, compelling reasons justify Defendants' request for sealing Defendants'

3 confidential business information contained in Defendants' Proposed Findings of Fact and Conclusions

4 of Law. Defendants' respectfully request that this Court grant its Motion to Seal. In compliance with

5 Civil Local Rule 79-5, an unredacted version of Defendants' Proposed Findings of Fact and Conclusions

6 of Law is attached as Exhibit B. In accordance with Civil Local Rule 7-11, Defendants have also filed

7 a Proposed Order herewith.

8

9 Dated: June 22, 2023

Respectfully submitted,

10 By: /s/ Beth Wilkinson

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